

REMARKS

This paper is in response to the official action of October 23, 2002, and is timely filed as it is accompanied by a petition for extension of time to file in the third month and the requisite fee.

Claims 1, 3-27, and 32 were previously pending in the application. By this paper, claims 1-3, 6, and 7 have been canceled herein without prejudice, claims 4, 8, 10, 12-14, 19, 21, 23, 25 and 26 have been amended, and claims 33-51 have been added. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

A check in the amount of \$324 is also enclosed to cover the additional 18 claims.

Claims 32 and 33 are the only independent claims.

Indefiniteness

It is submitted that the indefiniteness rejection of claims 8, 9, 14, and 20 have been overcome by the claim amendments. An indication to that effect is solicited.

Claim 32

Neither Gabriels, Jr. nor Hamazaki nor Kearney nor Focht nor any other cited reference shows or suggests a riser on which a level sensor is carried. Therefore claim 32 is not rendered obvious by the cited prior art.

Claim 33

Gabriels Jr. teaches a porous horizontal cell insert. Hamazaki teaches an automated cell culturing device which raises and lowers the level of the medium above and below the level of the cells in the culture. Kearney teaches a cell culture and testing system with a sealed exterior housing that contains discrete modules. Kearney does not teach modules containing a plurality of culture containers, nor does Kearney teach an exterior housing having a plurality of separate connectors each coupled to a withdrawal line of the respective one of the discrete modules and a common culture medium supply line for each of the modules. Focht teaches the use of peltier heating or of a waterbath (column 6, line 60) for a live cell chamber construction. Focht does not teach a temperature control housing having a temperature control medium inlet and discharge in fluid communication with an overflow


apparatus surrounding each culture container within a module wherein each of the discrete temperature-control housings can each individually support different temperatures.

All pending claims are believed to be in condition for allowance in view of the foregoing amendments and remarks. Reconsideration and withdrawal of the various objections and rejections is hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: 
James P. Zeller
Reg. No. 28,491
Attorneys for Applicants

April 21, 2004

6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300